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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 HELEN BRENNAN,

7 Plaintiff,

8 v.

9 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, ET AL.,

10 Defendants.
11

Case No. 2:20-cv-00662-RFB-DJA

ORDER

12 This matter is before the Court on Plaintiff's Motion to Amend Complaint (ECF No. 11),
13 filed on May 28, 2020. Any response was due by June 11, 2020. To date, no response has been
14 filed by Defendants, which "constitutes a consent to the granting of the motion." LR 7-2(d).

15 Rule 15(a)(2) of the Federal Rules of Civil Procedure, regarding the amendment of
16 pleadings, directs that "[t]he court should freely give leave when justice so requires." The Ninth
17 Circuit Court of Appeals has repeatedly cautioned courts in this circuit to "liberally allow a party
18 to amend its pleading." *Sonoma Cnty. Ass'n of Ret. Emps. v. Sonoma Cnty.*, 708 F.3d 1109, 1117
19 (9th Cir. 2013). "Courts may decline to grant leave to amend only if there is strong evidence of
20 'undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure
21 deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue
22 of allowance of the amendment, or futility of amendment, etc.'" *Id.* at 1117 (*quoting Foman v.*
23 *Davis*, 371 U.S. 178, 182 (1962)).

24 Here, Plaintiff filed the instant Motion prior to the expiration of the deadline to amend
25 pleadings or add parties, which has not yet been set, as the parties have failed to file a discovery
26 plan and scheduling order for the Court's approval. The Court will require the parties to submit a
27 plan within 14 days of this Order.
28

1 Moreover, Plaintiff filed her Motion to Amend less than 21 days after Defendant filed the
2 pending Motion to Dismiss (ECF No. 5). “A party may amend its pleading once as a matter of
3 course within: (a) 21 days after serving it, or (b) . . . 21 days after service of a motion under Rule
4 12(b) . . .” Fed.R.Civ.P. 15(a)(1). In all other cases, “a party may amend its pleading only with
5 the opposing party’s written consent or the court’s leave. The court should freely give leave
6 when justice so requires.” *Id.* at (a)(2).

7 Further, the Court has reviewed the Motion and finds good cause to permit the
8 amendment. Plaintiff requests the ability to supplement the statement of facts in the Complaint
9 along with the allegations with respect to first and second cause of action. She claims that the
10 amendment would provide a more definite statement of the claims alleged against Defendants.

11 IT IS THEREFORE ORDERED that Plaintiff’s Motion to Amend Complaint (ECF No.
12 11) is **granted**.

13 IT IS FURTHER ORDERED that the parties shall file a stipulated discovery plan and
14 scheduling order within 14 days of this Order and review the amendments to the Local Rules of
15 Practice for the District of Nevada that were adopted on April 17, 2020, specifically Local Rules
16 26-1 through 26-7, to ensure that they submit a compliant plan.

17 IT IS FURTHER ORDERED that Plaintiff shall file and serve the amended complaint in
18 accordance with Local Rule 15-1(b).

19
20 DATED: June 17, 2020.



DANIEL J. ALBRECHTS
UNITED STATES MAGISTRATE JUDGE